



115W 1624

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark E. Fraley
Serial No.: 10/540,784 **Case No.:** 21301P
Filed: June 8, 2005
For: Tyrosine Kinase Inhibitors

Art Unit
1624

Auth. Off.:
S. Moore

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is filed in response to the restriction requirement mailed September 20, 2007 and for which a response is due on October 20, 2007. Claims 1-36 are currently pending in the application and are subject to the following restriction under 35 U.S.C. 121:

Group I, claims 1-9, drawn to compounds of formula (1) and compositions thereof.

Group II, claims 10-17 and 19 drawn to method of preventing and treating cancer, angiogenesis, retinal vascularization, diabetic retinopathy, age related macular degeneration and retinal ischemia with compounds of formula (1).

Group III, claims 30 and 31, drawn to a method of preventing and treating cancer with complex compositions in combination with compounds of formula (1).

Applicants elect Group I, claims 1-9, drawn to compounds of formula (1) and compositions thereof with traverse. Applicants respectfully assert that the Examiner fails to justify the restriction requirement because contrary to the Examiners' assertion, the present invention of Groups I-III are related. Even though only one invention may be

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claimed in a single application, a reasonable number of species of the invention can be claimed if there is an allowable generic claim in the application, which is the case of the present application. Accordingly, there is no additional burden on the part of the Examiner to conduct the prior art search for examination of the present application in total.

As required by the Examiner, applicants further elect the compound of claim 6 as the species, and assert that claims 1-6 and 9 are identified as encompassing the elected invention.

Applicants would like to bring to the Examiner's attention that claims 18, 20-29 and 32-26 appear to have been left out of this restriction although they are still pending in this case. Clarification is requested for this omission.

In view of the above, the Examiner is respectfully requested to withdraw the restriction requirement.

Authorization is hereby given to charge any fees which may be due as a result of this petition to Deposit Account No. 13-2755.

Respectfully submitted,

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